

**JOINT PUBLIC HEARING
LANCASTER COUNTY BOARD OF COMMISSIONERS
CITY OF LINCOLN CITY COUNCIL
LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT (NRD)
WEDNESDAY, OCT. 1, 2003
SCOTT MIDDLE SCHOOL
2200 PINE LAKE ROAD, LINCOLN, NE
7:00 P.M.**

**Comprehensive Plan Amendment No. 03004
Southeast Upper Salt Creek Watershed Master Plan**

Lancaster County Commissioners Present:

Bernie Heier, Chair
Ray Stevens, Vice Chair
Deb Schorr
Bob Workman

City of Lincoln City Council Members Present:

Jon Camp, Chair
Terry Werner, Vice Chair
Jonathan Cook
Ken Svoboda
Annette McRoy
Patte Newman

Lower Platte South NRD Members Present:

Ron Case
Terry Kubicek
Ron Svoboda
Larry Swanson
Bud Dasenbrock
Elaine Hammer
Barb Morley
Wes Furrer

Phyllis Hergenrader
Dan Steinkruger
Ken Reitan
Dean Peterson
David Potter
Larry Zimmerman
Steven Larrick
Kim Scholting

Elected Officials Absent:

Larry Hudkins, Lancaster County Commissioners
Glenn Friendt, City of Lincoln City Council
Don Jacobson, Lower Platte South NRD
Dale Flowerday, Lower Platte South NRD
David Nielsen, Lower Platte South NRD
Bob Anderson, Lower Platte South NRD
Jason Hayes, Lower Platte South NRD

Others Present:

Steve Henrichsen, Special Projects Manager-City Planning
Nichole Fleck-Tooze, Special Projects Administrator-Public Works
Joan Ross, City Clerk
Susan Starcher, Lancaster County Clerk's Office
Kathy Spence, NRD Secretary
Rick Peo, Chief Assistant City Attorney

The Joint Public Hearing was called to order at 7:00 p.m.

1) **CALL TO ORDER:**

Lancaster County Board Chair Bernie Heier called the Lancaster County Board of Commissioners to order.

Lower Platte South NRD Chair Dean Peterson called the NRD Board to order.

Lincoln City Council Vice-Chair Terry Werner called the Lincoln City Council Members to order.

2) **ELECTION OF JOINT BODY CHAIR:**

City Councilman Terry Werner requested nominations from the three respective governmental bodies for the position of Joint Body Chair.

MOTION:

A motion and second were received from the joint elected bodies to nominate Ken Svoboda, Lincoln City Council, to serve as Chair of the Joint Bodies for this public hearing. With no further nominations being brought forward the call for nominations was closed.

NRD: Case, Kubicek, Svoboda, Swanson, Dasenbrock, Hammer, Morley Furrer, Hergenrader, Steinkruger, Reitan, Peterson, Potter, Zimmerman, Larrick, Scholting, vote aye. No nays. Motion carried.

County Commissioners: Heier, Stevens, Schorr, Workman vote aye. No nays. Motion carried.

City Council: Camp, Werner, Cook, Svoboda, McRoy, Newman vote aye. No nays. Motion carried.

3) **OPENING STATEMENT:**

Chairman Ken Svoboda made brief introductory remarks regarding the public hearing procedures and protocol.

4) **CALL FOR PUBLIC HEARING:**

Susan Starcher, representing the Lancaster County Clerk's office read into the record the two agenda items before the joint body. The agenda items to be heard were Comprehensive Plan Amendment No. 03004, to amend the 2025 Lincoln/Lancaster County Comprehensive Plan to adopt the Southeast Upper Salt Creek Watershed Master Plan, and the amendment of the Land Use Plan to change the designation of land to Green Space and Agricultural Stream Corridor in an area generally located between Salt Creek and South 70th Street, from Yankee Hill Road to south of Saltillo Road.

The Lower Platte South Natural Resources District only acting on the adoption of the Southeast Upper Salt Creek Watershed Master Plan.

5) **INTRODUCTORY STAFF COMMENTS:**

Steve Henrichsen, Special Projects Manager for the City of Lincoln/Lancaster Planning Department, gave a brief overview of the public hearing process and procedures.

Nichole Fleck-Tooze, Special Projects Administrator for the City of Lincoln Public Work Department, gave a statement regarding the Master Plan and what the proposed outcomes of the plan would be. Fleck-Tooze indicated that this was a joint plan between the City of Lincoln and the Lower Platte South NRD. Fleck-Tooze commented that adoption of Concept A was the recommendation of the Planning Commission.

6) **PUBLIC TESTIMONY:**

Chairman Svoboda invited those wishing to provide testimony to come forward, indicating that a five minute time limit would be utilized for those providing comments.

Mike Rierdon:

Appeared representing Lincoln Federal Savings Bank of Nebraska and presented comparisons of Concept A and Concept C with the assistance of Tom Riley, a water resources engineer. Rierdon indicated that Lincoln Federal has 580 acres that will be impacted by the decision made.

Amy Tuttle:

Appeared representing the League of Women Voters. Tuttle indicated that the League has taken a position supporting Concept A in its present form. Tuttle submitted a position letter for the record. (Exhibit 1)

Danny Walker:

Mr. Walker appeared and indicated that he supports either Concept A or Concept B, but prefers Concept A. Walker submitted a position letter and an August 14, 2003 Omaha World Herald article and September 27, 2003 Lincoln Journal Star article into the record. (Exhibit 2)

Tim Knott:

Appeared representing the Wachiska Audubon Society, indicating that they support Concept A because of its high standards and flexibility.

Ed Patterson:

Current president of the Malone Neighborhood Association, appeared indicated that the big picture needs to be kept in mind and questioned the cost of the removal of sediment.

Bill Newstrom:

President-Elect of the Realtors Association of Lincoln, appeared and provided a position letter for the record. (Exhibit 3) Newstrom indicated that the Board supports Concept C. He indicated the Board felt it contained a better balance of interests for all members of the community.

Peter Katt:

Katt appeared as legal representative of the Realtors Association and indicated that the Board feels that Concept A and Concept C both apply the same standards. Katt commented that the development standards seem to increase regulatory impositions.

Jayne Snyder:

Appeared representing Lacoco Properties. Snyder briefly discussed the potential impacts on the Lacoco properties and indicated their support for Concept C.

Jim Fram:

Jim Fram, President of the Lincoln Chamber of Commerce, appeared and submitted a position paper into the record. (Exhibit 4) Fram indicated the Chamber supports Concept C because it provides balance planning, economic opportunities and flexibility.

Lynn Darling:

Ms. Darling appeared indicating that she had served on the Friends of Wilderness Park Board. Darling stated that she supported Concept A and opposes Concept C. NRD Board Member Kubicek questioned whether she felt that Concept A strengthens the Comprehensive Plan. Darling indicated she felt that Concept A was a more knowledgeable plan.

Russell Miller:

Miller submitted a position letter into the record. (Exhibit 5) Mr. Miller indicated that he supports Concept A as it provides for no increase in the amount of water flowing into Salt Creek.

Foster Collins:

Mr. Collins appeared and stated that he supports Concept A as it allows for administrative simplicity. He commented that Concept C would require greater compliance monitoring. Collins indicated that he had served on the Mayor's Flood plain Taskforce.

Janet Jodais:

Ms. Jodais appeared and entered some general comments into the record. Jodais expressed concern regarding costs.

Marilyn McNabb:

Ms. McNabb indicated that she too had served on the Mayor's Flood plain Taskforce. McNabb stated that she supported Concept A as Concept A preserves the wetlands and 'is the rule' rather than the exception as found in Concept C. McNabb expressed concerns regarding the meeting between the City/County Planning Department and developers on the development of Concept C.

Kent Winston:

Winston appeared on behalf of the Bluestem Chapter of the Nebraska Sierra Club. Mr. Winston entered a position paper into the record. (Exhibit 6) He reiterated that Concept A is only an amendment to the Comprehensive Plan and is not intended as a zoning regulation. Winston discussed the legal concepts of 'takings'. NRD Board member Kubicek questioned whether Winston feels that Concept A strengthens the public process. Winston responded that he feels that it provides a more consistent and fair set of guidelines.

Dan Schlitt:

Mr. Schlitt appeared and indicated that he felt Concept C provided a financial windfall for developers. Schlitt expressed concern that the consequences of encroachment fell onto the purchasers of property and not onto the developers.

Roxanne Smith:

Ms. Smith appeared and placed into the record a copy of an August 26, 2003 Wall Street Journal article into the record. (Exhibit 7). Ms. Smith gave some general statements about the value of protecting urban greenspace.

Mark Hunseker:

Mr. Hunseker appeared and indicated he was representing John Sampson of Sundance LLC and also Lacoco Properties. Extensive discussion was held by Hunseker and the elected officials regarding cost-benefit analysis of Concept A and Concept C; stream corridor designations and possible construction through stream corridors; issues of land off of tax rolls. Hunseker indicated that city staff recommendation was to include Concept C as well as Concept A. Mr. Hunseker further indicated that the same design standards would apply under both concepts.

NRD Board Members Zimmerman expressed concern that developer words do not always translate into developer action. NRD Board Member Kubicek questioned whether the substitution of wetlands creates a change in their function and use. Hunseker indicated that was a possibility, but only a possibility. Kubicek questioned why Concept A was not an acceptable choice, allowing developers to request variances. Hunseker stated that there would be a risk of capital in that manner.

At the conclusion of this testimony, Chairman Svoboda called for a ten minute break. The public hearing was recessed at 9:25 p.m.

The public hearing was reconvened at 9:35 p.m. and testimony continued.

Rusty Banks:

Mr. Banks appeared and indicated that he supported Concept A. Banks commented that he felt there would be greater scrutiny under Concept A and a greater chance of hasty action under Concept C. Banks stated that Concept A appeared to be easier to enforce and Concept C appeared too general.

Mary Roseberry-Brown:

Ms. Brown appeared and indicated that she was representing the Friends of Wilderness Park. Roseberry- Brown stated that they supported Concept A. She stated that it was her understanding that only 240 acres of the total watershed were impacted by potential conservation easements and not 405 acres as

indicated by Mark Hunseker. She stated that she obtained this figure from Nicole Fleck-Tooze during the Planning Commission meeting. Roseberry-Brown commented that they felt there was adequate flexibility in Concept A and that Concept C seemed to encourage development of the flood plain.

Richard Sutton:

Sutton appeared and gave testimony indicating that he supported Concept A. Mr. Sutton introduced the use of green lining and indicated after questioning from County Commissioner Schorr, that the green line concept would work equally well under Concept A or Concept C.

Rick Onnen:

Mr. Onnen, with Engineering Design Consultants, appeared representing Lincoln Federal Savings Bank of Nebraska. Onnen indicated that they support Concept C.

Kent Thompson:

Mr. Thompson indicated that he served on the Mayor's Flood plain Taskforce. Thompson commented that he felt that there must be a balance between benefits and flood plain protection. He indicated that he supports Concept C.

Dave Titterington:

Mr. Titterington appeared and indicated that he wanted the bodies to take into consideration wildlife protection issues as well. Titterington advocated the use of buffers around the flood plain.

With no further citizens requesting time to provide testimony, Chairman Svoboda asked the bodies what their desires were with regard to final action. Chairman Svoboda asked Chief Assistant City Attorney Rick Peo to provide guidance on this issue.

Chief Assistant City Attorney Rick Peo appeared and indicated that there was no requirement that the bodies take final action at the conclusion of the public hearing. Peo stressed that adoption of a consistent plan between the bodies was the goal.

County Commissioner Heier asked if the individual bodies could make a motion on their desires relating to the meetings conclusion.

Commissioner Stevens indicated that he would prefer that each body meet separately with Planning Department staff to have their respective questions answered and then vote within their respective bodies.

Councilman Svoboda, as joint body chair, closed the public hearing.

County Commissioner Stevens moved, and County Commissioner Schorr seconded, to adjourn the Lancaster County Board of Commissioners. Stevens, Schorr, Heier voted aye. Workman voted nay. Motion carried.

NRD Board Member Hammer moved, and Kubicek seconded to adjourn the Lower Platte South NRD Board. Motion carried.

Ron Case-Nay	Phyllis Hergenrader-Aye
Terry Kubicek-Aye	Dan Steinkruger-Nay
Ron Svoboda-Aye	Ken Reitan-Aye
Larry Swanson-Aye	Dean Peterson-Aye
Bud Dasenbrock-Nay	David Potter-Aye
Elaine Hammer-Aye	Larry Zimmerman-Aye
Barb Morley-Aye	Steven Larrick-Aye
Wes Furrer-Aye	Kim Scholting-Nay

City Council Member Svoboda moved, and Council Member McRoy seconded the motion to adjourn the Lincoln City Council. A friendly amendment recommendation was made by Council Member Cook to continue this matter and place the issue on the Council's agenda for action, without further public hearing, on October 6, 2003, and to adjourn. Svoboda and McRoy accepted the amendment. Camp, Cook, McRoy, Svoboda voted aye. Newman and Werner voted nay. Motion carried.

Written testimony from Krueger Development was also entered into the record (Exhibit 8).

The public hearing adjourned at 10:27 p.m.